

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, SEPTEMBER 21, 2004

Chair Gibson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Gibson, Parsons, Frautschi, Dickenson, Long, Wozniak, Horton
Absent, Commissioners: None

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), City Attorney Savaree (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR:

4A. Planning Commission Minutes from 8/17/04

MOTION: By Commissioner Frautschi, seconded by Commissioner Dickenson, to accept the Minutes of July 6, 2004 as presented.

Ayes: Frautschi, Dickenson, Long, Horton, Wozniak, Parsons
Noes: None

Motion passed 7/0

Commissioner Frautschi thanked the Recording Secretary for capturing a very difficult discussion regarding Coronet in a good way.

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 1400 El Camino Real

To consider a Variance and Design Review to reconstruct an existing commercial structure for a restaurant use. The project includes interior improvements, exterior façade improvements, and new

landscaping for the existing building. The proposal includes no increase in floor area and no additional parking. (Appl. No. 04-0032)

APN: 045-248-010; Zoned: C-3 (Highway Commercial)

CEQA Status: Categorical Exemption per Section 15301

Applicant/Owner: Golar Mokhtari

PP de Melo summarized the staff report, recommending project approval of the Variance and Design Review with the conditions as attached, and noted that the applicant as well as staff was available to answer questions from the Commission.

Responding to C Wozniak's questions, PP de Melo stated that: 1) since the interior was burned out, staff could not determine the number of seats that had been in the previous restaurant, but that the seating capacity for the current application is 80. 2) The building next door is owned by the same owner, but is not associated with the restaurant as a part of this project; this project stands alone relative to the proposed floor area and the proposed site of 2,250 square feet.

C Frautschi asked questioned staff as follows: 1) Had the Arborist looked at the Chinese elm? PP de Melo responded "no" since it is a non-protected tree by ordinance and the applicant proposes to retain that tree as part of the project. 2) Is the door that exits by the bar on the south side onto the adjoining property allowed by code, since it would be exiting on to someone else's property? PP de Melo replied that any attribute would need to meet UBC requirements or in order to be allowed. 3) Could he clarify the comment on Exhibit A4 that the rear trash area "shall be enclosed with a solid gate or wall?" PP de Melo replied that the ATTP requires that a solid fence, solid gate or solid wall be installed to screen any sort of trash area and that staff is looking for a design enhancement to create that screening while also allowing access to the trash area.

Golar Mokhtari, applicant/owner of the subject property, noted that copies of her remarks had been distributed earlier so that Commissioners could follow along. She reviewed in detail her understanding of the main goals and objectives of the City of Belmont, and how this project fits into the City's ongoing efforts to beautify Belmont's downtown area to help attract patrons to the City's businesses. She urged the Commission to: 1) encourage business and property owners such as herself by supporting her efforts; 2) facilitate permitting and approval since lengthy processes can be financially damaging and discouraging; and 3) allow construction to begin as soon as possible by approving the project at this meeting since the rainy season is near and the roof needs fixed. She thanked Commissioners for their time and staff for putting their best effort into compiling the staff report, and expressed confidence that as a team they can create a place all will be proud of in the City of Belmont.

Responding to Commissioners' questions, Ms. Mokhtari stated that:

- She does have future plans for outdoor seating on the adjacent property but she was not asking for that permission at this time. She owns the adjacent property fully under her name, but the property being discussed has several investors so that she is not the sole owner. PP de Melo confirmed that no extension of the restaurant use has been proposed on the adjacent lot, and that, while the applicant may have intentions of further creating an

area for outdoor seating, it has not been evaluated as part of this project and would have to be considered separately from an entitlement perspective. Staff has not done any analysis of that possibility and asked that the Commission look at the project under its current description and definition; staff can work with the applicant relative to any future changes but not under the guise of this proposal.

- She is concerned about the tree that is close to the building's foundation and has noticed that the area by the tree is often used as a depository for waste but that, after frequent watering, the tree is starting to show some life.
- She has no opposition to adding a tree, and in fact, has no opposition to anything that staff has recommended.
- She had not considered roof seating as mentioned by Commissioners Dickenson and Long, but perhaps if they are allowed to open the next door patio, roofside tables could be explored at a later date as well.
- The window material will be wood. PP de Melo added that it will have a 4" recess and staff wants the identical window design to be carried forward for the two elevations. C Long added that he hoped there would not be any sign of vinyl – that it will have a real natural, organic wooden look, as called for in the Downtown Specific Plan, and asked that the applicant work with her architect to make sure that that is rigorously adhered to.
- She had talked to neighbors and police officers about her proposed project and received very positive feedback. The restaurant is intended to service all residents and is modeled after the Café Barrone on El Camino in Menlo Park.

Chair Gibson opened the Public Hearing. No one came forward to speak

MOTION: By Commissioner Frautschi, seconded by Commissioner Dickenson, to close the public hearing. Motion passed.

Vice Chair Parsons supported the project as it is, with the suggestion that the two new trees be changed to something other than pear, possibly sycamore, since the pear tree is not a good street tree. CDD Ewing added that they would typically follow the Public Works Department's plan for street trees.

C Frautschi thanked the applicant for a very nice project, and suggested that to make the handicapped entrance stand out more, it could be tied in with the front door with columns beside it. He feels it is not as articulated as that side of the building could be and columns would break up the expanse. He supported staff's recommendation to continue the detailing around the entire part of the building and recommended a solid fence. He concurred with the suggestion that the trees be sycamore since these are currently used on El Camino Real at the Village Center and would pull the whole area closer together. He recommended that the door not be allowed, if not required by the Building Department, so that the applicant would have to return for whatever is needed to acquire permitting for the outdoor seating. Ms. Mokhtari suggested that she could make sure that the door cannot be used until further approval or in conjunction with the outdoor seating, but would like to keep the door as it exists.

C Wozniak really liked the project, but would like to see the elm tree replaced by a sycamore for consistency. She too was concerned about the door and would at least like to have something included so that it could not be used.

C Horton supported the project as proposed in the resolution.

Chair Gibson stated for the record that he had met with the applicant on site, was shown the inside of the property and had discussed the neighborhood. He had no problem with the door and noted that there were 8 or 10 empty diagonal parking spaces at noon, so did not believe there would be a parking problem. He felt that the worse looking corner in the area will be the best looking when it is finished, and was very much in support of the project.

MOTION: By Vice Chair Parsons, seconded by Commissioner Dickenson, to adopt the Resolution approving a Variance and Design Review at 1400 El Camino Real, with the Conditions attached and with the additional Condition that the street trees proposed be replaced by a tree in the sycamore family, subject to Public Works Approval (Appl. No. 2004-0032).

Ayes: Parsons, Dickenson, Wozniak, Long, Horton, Frautschi, Gibson
Noes: None

Motion Passed 7/0

Chair Gibson noted that the item may be appealed to the City Council within ten days.

Regarding the preceding project, CDD Ewing expressed staff's appreciation to the applicant for exercising tremendous patience as staff sorted out some issues they had not dealt with before in this City, i.e., how to deal with the codes requirements for burnt out buildings and for grandfathering uses related to destruction by fire. He believed that Ms. Mokhtari's comments masked a tremendous amount of patience and diligence on her part while they tried to figure out how to proceed.

6 REPORTS, STUDIES, UPDATES AND COMMENTS

C Dickenson reported that staff told him that the AM/PM project is in Public Works for execution, and that he plans to personally send an e-mail to the City Manager and City Council to assure that Public Works executes on that condition.

C Long asked staff if there will be an application for a cabaret license submitted to the Commission in the future and, if so, how long has the application been in process. CDD Ewing responded that they have an application for a cabaret on the corner of Ralston and Sixth Avenue that will be on an agenda in October, and he believes it was received five months previous to that.

C Frautschi asked staff if they are aware of the revolt or uprising that is happening in the Belburn neighborhood. CDD Ewing responded that staff has received a copy of a petition signed by 100 neighbors regarding problems with Notre Dame High School's landscaping, and that the City's

role is somewhat limited because the conditions of approval are largely met. He added that the neighbors will have to work directly with the property owners if they want additional landscaping or anything else beyond the conditions of approval. The City can provide space to meet but their authority to require additional things beyond the conditions is just not there. C Frautschi responded that his question related to PP de Melo's earlier comment that Notre Dame had said they were going to add plants to screen the batting cage; it's been six months and it has not been done. CDD Ewing agreed to make sure that the conditions are being met. C Frautschi asked that he be given a copy of the original CUP. Vice Chair Parsons stated that he did not recall that a batting practice area on the corner of Ralston and Notre Dame was ever approved. CDD Ewing agreed to check to see what was proposed and approved, and what has been an ongoing use that they will have to deal with.

C Wozniak asked if she will be provided with business cards. CDD Ewing replied that under normal budget circumstances she would receive some, but there had been some delays this year, he believes both due to budget restraints and a redesign where they want to hold off on orders until the new master is prepared. He promised to provide her with some form of identification. Vice Chair Parsons hoped the redesign would exclude the phone numbers on the back as he prefers to have room to write notes in that space. Staff and another Commissioner disagreed.

VC Parsons asked if staff is planning to take action on the property on Furlong where it appears that it has gone from being a duplex to two businesses, in violation of the zoning code. CDD Ewing responded that this is an open Code Enforcement case, and that he will check on the status.

**7. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF
TUESDAY,
SEPTEMBER 28, 2004.**

Liaison: Commissioner Gibson
Alternate Liaison: Commissioner Dickenson

8. ADJOURNMENT:

The meeting adjourned at 7:45 p.m. to a Regular Meeting on Tuesday, October 5, 2004 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP
Planning Commission Secretary

*Audiotapes of Planning Commission Meetings are available for review
in the Community Development Department
Please call (650) 595-7416 to schedule an appointment.*